

**Government of the District of Columbia**  
**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 905**  
**Case No. 99-2M/87-19C**  
**(Modification to the Planned Unit Development**  
**at 1000 K Street, N.W.)**  
**September 13, 1999**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on June 3, 1999, to consider an application from UDG New York, L.L.C. for a modification to an existing planned unit development (PUD) pursuant to Chapter 24 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

**FINDINGS OF FACT**

1. The Hotel and Restaurant Employees Union Local No. 25 (the "Union") sought party status at the hearing. The Zoning Commission considered the Union's written submission on this issue, dated May 14, 1999, which did not request party status as required pursuant to Section 3022.3(a). The Commission also considered additional information regarding this issue presented at the hearing. The Union owns property at the northeast corner of 10<sup>th</sup> and K Streets, N.W., within 200 feet of the subject site. The Union did not identify how its property would be affected or how the Union would be aggrieved by action on the application.  
  
In response to a question asking how, specifically, the Union would be affected by the matter before the Commission in ways that are different from members of the general public, the Union did not identify any interest which differentiated it from the general public. As a result, the Commission denied its request for party status.
2. The Shared Ministry of the of the Mount Vernon Place United Methodist Church and the Chinese Community Church, both of which occupy the same property within the 900 block of K Street, N.W., claimed that proper notice was not given to them as a property owner within 200 feet of the subject site. Based on the affidavit submitted by the applicant's counsel and staff review of the Baist Atlas plat, the Zoning Commission staff concluded that the property owned by the

Shared Ministry of the Mount Vernon Place United Methodist Church and the Chinese Community Church are not within 200 feet of the subject property.

3. On February 19, 1999, UDG New York, L.L.C. ("applicant") filed an application for a modification to a PUD previously approved by Zoning Commission Order No. 556, pursuant to Zoning Commission Case No. 87-19C, as modified and extended by Zoning Commission Order Nos. 556-A, 556-B, 556-C, 556-D, and 556-E, hereinafter the "original PUD," for the property located at 1000 K Street, N.W., Lots 8, 17, 811, 812, 826, 827 and 828 in Square 343. On May 20, 1999, these lots were subdivided into Lot 23.
4. The original PUD permitted the construction of a 12-story retail/office building. The PUD project allowed a total gross floor area of 237,848 square feet, a maximum floor area ratio (FAR) of 9.3, a maximum height of 130 feet and a maximum lot occupancy of 91.7 percent. The project was to provide on-site parking to accommodate 163 cars. (Z.C. Order No. 556.)
5. The original PUD was to cause the delivery of 44 affordable housing units from the rehabilitation of the property at 1223 and 1229 12<sup>th</sup> Street, N.W., as well as 16 additional affordable housing units which were to be in ANC 2C within a one-half mile radius of the PUD site or farther away if approved by the Zoning Commission. (Z.C. Order No. 556.)
6. Since the original PUD was approved in 1988, the property has had several owners. In March of 1999 the applicant purchased the property from the Federal Deposit Insurance Corporation.
7. The original PUD has been extended such that the applicant may now apply for a building permit until October 6, 1999 and may start construction by October 6, 2000. By complying with these deadlines, the applicant has the absolute right to construct the approved office building.
8. The property is presently occupied by a surface parking lot. The applicant proposes to build a hotel with 472 sleeping rooms and suites. The hotel will be 130 feet in height with 14 floors. It will consist of 10.5 FAR and 268,800 square feet of gross floor area. Underground parking for 165 cars will be provided at a minimum, while more parking may be available if the garage is operated on a valet system. The ground floor of the hotel will include a lobby, a lounge, loading docks, and access to the parking garage, and either a restaurant or cafe depending upon the requirements of the franchise that is ultimately selected.

9. The subject property is situated in Ward 2, within the New York Avenue corridor and is bounded by 10<sup>th</sup> Street, N.W., on the east, K Street, N.W., on the north, New York Avenue, N.W., on the south, and a public alley to the west.
10. The recently amended Generalized Land Use Map of the Comprehensive Plan designates the property in the high density commercial land use category and contains other amendments which encourage hotel use of the subject site.
11. The squares directly surrounding the property contain a mix of uses. Square 316, located to the northwest of the subject site, contains a parking lot, a rental car facility and a large, C-4 type office building. Square 342, directly north of the subject site, is improved with the Carpenter's Building, retail, vacant buildings, a youth hostel and two office buildings along Massachusetts Avenue. To the northeast of the subject site, Square 371 has a parking lot, the Mount Vernon Place United Methodist Church and the Henley Park Hotel. Square 372, directly east of the subject property, contains another parking lot and a small building used for offices. This square is the site of another PUD approved for an office building, pursuant to Zoning Commission Order No. 629, dated September 11, 1989. Squares 344, 373 and 374, to the south and southeast of the subject property, are the site of the existing D.C. Convention Center.
12. The underlying zoning of the subject site is HR/C-3-C. The HR/C-3-C zone district permits both office and hotel uses as a matter-of-right. The C-3-C zone district is designed to accommodate important sub-centers supplementary to the retail and office centers of the downtown core. It is intended to permit medium-high density development, including office, retail, housing, and mixed use development. The C-3-C zone permits matter-of-right development to a height of 90 feet (with no limit on the number of stories), a maximum permitted FAR of 6.5 and a maximum lot occupancy of 100 percent. This zone district requires a rear yard of at least 2.5 feet per inch of height. A side yard is not required for either an office building or a hotel, but if one is provided, it must be at least two inches wide for each foot of height of building, but not less than six feet.
13. The subject site also falls within the HR Incentive District. The HR Incentive District was developed to encourage the development of an adequate number of hotels within a convenient distance of the existing D.C. Convention Center to enable it to function efficiently with an adequate amount of visitor accommodations. The HR Incentive District is to be applied in combination with the underlying zoning of the area, not instead of the underlying zoning of the area. In the HR Incentive District, a hotel may be built to a height in excess of that permitted in the underlying zone, but not to exceed 130 feet on the subject site. The HR Incentive District allows a maximum FAR of 8.5.

14. Under the PUD Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed or may be less than the matter-of-right standards identified above. The Zoning Commission may also approve uses that are permitted as special exceptions by the BZA or approve development variances that are required by a project design.
15. Robert J. Curtis testified as a representative of the applicant. He testified that no new hotel rooms have been constructed in downtown D.C. in new buildings since 1989.
16. The primary purpose of the modified PUD is to provide some of the additional hotel rooms that will be necessary to house the many people expected to visit the nearby, currently-under-construction D.C. Convention Center.
17. As part of the PUD modification, off-site housing consisting of 25 units will be constructed on the property at 1223 and 1229 12<sup>th</sup> Street, N.W.
18. The applicant attended numerous meetings with Advisory Neighborhood Commission (ANC) 2F, the Logan Circle Community Association and the Blagden Alley Association to discuss the project as a whole and the off-site housing amenity. An agreement was reached between the applicant and these three groups providing for a modification of the PUD and the off-site housing currently offered by the applicant.
19. While 25 units are planned for the 1223 and 1229 12<sup>th</sup> Street site instead of the 44 called for in the original PUD, the square footage of this 12<sup>th</sup> Street housing has remained essentially the same at approximately 33,000 square feet.
20. The applicant testified that the cost of hotel construction together with the high cost of capital prevent building the 16 additional residential units called for by the original PUD.
21. The community's desire for larger units and limited parking in the neighborhood encouraged the applicant to build fewer units of larger size. These 25 housing units have been enhanced to be more compatible with the neighborhood's Victorian theme at the suggestion of the ANC.
22. The applicant's commitment to the housing amenity is contingent upon the PUD modification approval by the Zoning Commission, but is not contingent upon the applicant's ability to finance or construct the hotel.
23. If the PUD modification is approved, the applicant plans to begin construction of the hotel within 12 months.

24. The applicant asked that certain details of the proposed hotel remain flexible until a franchise is selected and that franchise's needs are known.
25. The project architect, Mark Boekenheide, recognized as an expert in architecture by the Zoning Commission, testified on behalf of the applicant. He stated that the property surrounding the subject property permits buildings to be built to 130 feet in height.
26. As part of the project, an additional 10 feet of surface space on the west side of the building on the subject property will be paved by the applicant thereby increasing the effective width of the alley from 10 feet to 20 feet.
27. The proposed hotel entrance will be centered on the 10<sup>th</sup> Street side with a large canopy over the proposed drop-off lane. The applicant plans to include new sidewalk paving on all three street frontages and landscaping in excess of that required by District streetscape requirements, including six ornamental locust trees.
28. The ground floor of the hotel consists of an entry lobby area with a reception desk, space along K Street designated for a restaurant or cafe with the necessary kitchen space, a lobby lounge and bar area along New York Avenue and 10<sup>th</sup> Street, associated office and back-of-house areas, as well as parking access off of the alley to the lower level parking, and two dedicated service bays.
29. The proposed hotel will have 12 typical floors (third through fourteenth) with 38 keys per floor. These floors are accessed by four passenger elevators and two service elevators on the south side of the project.
30. The second floor will have five meeting spaces, an exercise area with a pool, as well as 19 additional guest rooms, with the line of the building under the tower extending to give additional space to the exercise area and to allow some skylights over the pool.
31. The first basement level will contain approximately 8,500 square feet of meeting space and associated back-of-house spaces, including employee areas, storage areas and public toilets.
32. The facade facing 10<sup>th</sup> Street will have a curved facade, breaking up the facade into three distinct pieces: two flat, plainer facades separated by a curved facade in the middle.
33. The facade is to have a brownish color brick, with a limestone color pre-cast, and window mullions that will be pewter in color. (Exhibit 21)

34. The design includes five proposed lanterns at the top of the building which are to help guests identify the hotel. The lanterns are to be back-lit with a low-intensity light.
35. In testimony at the public hearing and in a traffic analysis submitted with the application, Martin J. Wells, the applicant's traffic engineer, accepted by the Commission as an expert, stated that the project would not have an adverse transportation impact on the surrounding neighborhood. The proposed hotel will generate fewer trips (170) than the approved office building (200).
36. The proposed hotel project will contain 165 parking spaces, 13 percent more than required by the Zoning Regulations. Additional parking can be provided using valet parking.
37. Mr. Wells indicated that the two loading berths provided by the proposed project will be adequate to serve this building.
38. Stephen Fuller, the applicant's economic consultant, was accepted as an expert by the Commission. Through testimony and an economic and fiscal impact study, Mr. Fuller stated that during the construction period the project will generate approximately \$55.8 million dollars of new income to the District, supporting approximately 208 jobs during the construction period and leading to a one-time tax revenue of \$1.65 million. During the post-construction phase, assuming a 71 percent occupancy rate at the hotel, the operation of the hotel, the parking facility and restaurant will generate \$18.7 million, with \$4.1 million in tax revenue annually for the District's economy and approximately 402 new jobs.
39. Steven E. Sher, the applicant's land planning expert, submitted written testimony and testified at the hearing that the proposed modification is not inconsistent with the Comprehensive Plan, that it is consistent with and meets the standards and objectives of the PUD process, and that it is compatible with the planned character of the area and should be approved. Mr. Sher testified that the subject site is particularly well suited for development as a hotel because it is located two blocks southwest of the site of the new convention center.
40. The PUD modification requests an FAR of 10.5, 2.0 FAR above that allowed under the HR District regulations as a matter-of-right and 1.2 FAR greater than the approved PUD.
41. Mr. Sher stated that the applicant will increase the effective width of the alley, from 10 feet to 20 feet, thereby creating a side yard on the subject property. Mr. Sher also testified that no side yard is required in this zone district, but if one is provided it must be a certain width. The applicant's proposed hotel does not meet this minimum width at the end of the building closest to K Street on the north and

- that end closest to New York Avenue on the south. Mr. Sher testified that if the applicant had to meet the side yard requirement, a significant amount of program space would be lost.
42. The District of Columbia Office of Planning (OP), by memorandum dated May 22, 1999, and by testimony at the hearing, concluded that the proposed PUD modifications are not inconsistent with the Comprehensive Plan and recommended that the Zoning Commission approve the modified project with the following conditions:
- a. The applicant must not use the proposed vertical signs.
  - b. The applicant must add more landscaping to soften the hard scape.
  - c. The applicant must provide for the record the type of light fixtures that are going to be installed.
43. The District of Columbia Fire and EMS Department submitted a memorandum dated May 26, 1997, [sic] stating that it has no objections to the PUD modification.
44. The Department of Housing and Community Development (DHCD) submitted a memorandum dated June 2, 1999, indicating its support for the PUD modification. The memorandum indicated that DHCD supports the PUD Modification because: (i) it has ANC support; (ii) it meets a need in the District; (iii) it will benefit the District economically; (iv) it has an FAR of 10.5 and a lot occupancy of 81.8percent, which are both below those allowed for a PUD, and (v) it will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of any neighboring properties.
45. Advisory Neighborhood Commission (ANC) 2F voted unanimously in support of the PUD modification. Commissioner Helen Kramer testified for the ANC as a party. She testified that the PUD modification was discussed extensively at a number of ANC meetings with large attendance and that there was no opposition expressed. Ms. Kramer testified that the housing amenity offered as part of this PUD modification was considered in conjunction with the affordable housing provided by the housing amenity of the 901 New York Avenue PUD. Ms. Kramer testified that the ANC believes that the housing amenity provided as part of the 1000 K Street PUD modification gives a desired mix of market-rate housing with the existing affordable housing on 12<sup>th</sup> Street.
46. Deborah Martens, President of the Logan Circle Community Association (LCCA), testified as a person in support of the PUD modification. Ms. Martens testified that the LCCA believes that a mixture of housing types, both affordable, as provided by the 901 New York Avenue PUD and market-rate, as provided by

the 1000 K Street PUD modification, is desirable. Ms. Martens also indicated that the LCCA believes the applicant is committed to fulfilling this housing amenity.

47. Mr. Russell MacBeth testified as a person in support.
48. Mr. John Boardman, of the Union, testified as a person in opposition to the PUD modification application. Mr. Boardman testified that the Union should have been granted party status.
49. Reverend Raylan Scott Hagler testified as an individual in opposition to the PUD modification. Reverend Hagler testified that the District needs more affordable housing for working people. Reverend Hagler testified that this PUD modification is actually a new plan and that it needs to be fully reviewed again. Reverend Hagler testified that the ANCs are not an effective voice for the people of the District.
50. Ellen McCarthy, testifying as a witness for the Union and as a representative of the Committee of 100, stated that the proposal offered by the applicant was not a PUD modification, but rather a new PUD. Ms. McCarthy testified that the applicant should be required to file a new PUD application taking into account changes in the density regulations and amenity provisions that have come about since the original PUD was granted.
51. Ms. McCarthy testified that granting this application as a PUD modification is a dangerous precedent which will require the Commission to see all lingering PUDs as modifications rather than new PUDs.
52. Ms. McCarthy further testified that it is impossible for the underlying zoning of this project to have a Hotel/Restaurant overlay because that overlay no longer exists, that there is no reason why the applicant cannot develop the hotel with 8.0 FAR rather than the requested 10.5 FAR, and that some of the recent amendments to the Comprehensive Plan may be changed.
53. Beth Solomon testified as a person in opposition to the PUD modification application.
54. In response to requests by the Zoning Commission, the applicant timely submitted post-hearing materials consisting of:
  - A. A written rebuttal to issues raised by testimony in opposition;
  - B. A written statement, drawings and materials describing: (i) as requested by the Zoning Commission, a proposal to retain all five lanterns but to illuminate only the lantern above the main entry, or



in the alternative, a proposal to retain and illuminate all five lanterns defining the top of the building structure; (ii) the lighting fixtures on the lower part of the facade; (iii) the materials of the roof structure; and (iv) the signage;

- C. A revised landscape plan;
- D. Detailed plans for the housing to be constructed at 1223-1229 12<sup>th</sup> Street N.W.; and
- E. A written closing statement.

55. As to the issues raised by the opposition to the application, the Commission finds as follows:

- A. Under the Zoning Regulations (Subsection 2410.2), the applicant is entitled to have this application processed under the regulations in effect at the time of approval of the PUD. Under those regulations, the Commission was able to set the maximum density in a PUD based on “the exact circumstances surrounding the application,” even if the density exceeded the then specified “guideline” for FAR. In the subject application, the height and density permitted on surrounding properties, the existing development and development approved in the area, and the use of the property as a hotel in proximity to the new convention center all support the height and bulk proposed.
- B. The application is properly before the Commission as a modification to the previously approved PUD. The Zoning Regulations specify the manner in which changes to approved PUDs are considered. Since the project does not fall within the authority granted to the Zoning Administrator and is not eligible to be considered as a consent calendar modification, the Regulations specify that the modification should come back to the Commission meeting the requirements for and processed as a second stage PUD. The changes proposed in this modification are well within the scope of modifications which the Commission has approved for other PUDs, which range from minimal changes to significant changes in use, height and density.
- C. The change of use to a hotel, even with the increase in density, affects the ability of the applicant to provide affordable housing as an amenity for the PUD. . The Commission further notes the

unanimous support of the three local neighborhood organizations, including the ANC, for the housing as proposed by the applicant.

- D. The subject property is not subject to a housing requirement under the Downtown Development (DD) District. The PUD was approved prior to the adoption of the DD District. At that time, the site was zoned HR/C-3-C. Under Subsection 2400.7 of the Regulations, if the PUD expires, the zoning reverts to “the pre-existing regulations and map.” The controls for the HR District are specified in Chapter 11 of the Zoning Regulations and housing is allowed and given incentives, but is not required.
- E. The Generalized Land Use Map of the Comprehensive Plan specifies that the property is included in the high density commercial category. In addition, several other provisions of the recently adopted Comprehensive Plan encourage hotel use in this area. Notwithstanding the characterizations of the opposition, the Comprehensive Plan Amendments Act of 1998 was properly adopted by the Council, signed by the Mayor and reviewed by the Control Board, the National Capital Planning Commission and the Congress and is in full force and effect.
- F. The Commission always has within its authority the ability to deny an application for modification of a PUD, just as it may deny an original application. For example, a modification which was clearly inconsistent with the Comprehensive Plan could not be approved. However, this application is consistent not only with the Generalized Land Use Map but with the written plan policies in support of development around the Convention Center.
- G. The proposed modification complies with the purposes of the PUD process as set forth in the Regulations. The subject development is a well-planned building and use in this location and has a design compatible with the area without adverse impacts .
- H. The approval of this modification sets no automatic or immediate precedent for any other PUD. The Commission has always judged each PUD application, whether for a new PUD, a modification or an extension, on its own facts and its own merits. As to “lingering” PUDs, the Commission notes that there are only five other PUDs in Downtown which have either not proceeded or have not expired. Four of these cases have already provided all or substantially all of the housing which was required, even though the office projects have not proceeded.

59. The Commission finds that the minor deviations requested with respect to side yards and loading berths are necessary for the successful completion of the PUD project.
60. In order for the Commission to approve the PUD project, the applicant had to meet its burden of demonstrating the public benefits and other meritorious aspects of the proposal. The Commission finds that the applicant has met its burden of proof.
61. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC by report dated August 12, 1999, found that the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### **CONCLUSIONS OF LAW**

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interest of the District of Columbia.
2. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. Approval of this application as a modification to the original PUD is provided for under the regulations and is appropriate within this regulatory scheme for carrying PUDs to final completion.
4. Approval of this PUD is not inconsistent with the Comprehensive Plan, including the designation of the site for high density commercial use.
5. The proposed PUD meets the minimum area requirements of Subsection 2401.1 of the Zoning Regulations.
6. Approval of this PUD application is appropriate because the application is generally consistent with the present character of the area.

7. The Commission takes note of the position of Advisory Neighborhood Commission 2F, and in its decision has accorded to the ANC the “great weight” consideration to which it is entitled.
8. The approval of this application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The proposed modification can be approved with conditions which will ensure that development will not have an adverse effect on the surrounding area.
10. The proposed modification permits hotel development of the subject site as an alternative to the previously approved office building.
11. The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for modification to the original PUD approved by Zoning Commission Order Nos. 556 and 556-A for property located in Square 343, Lot 23, subject to the following guidelines, conditions and standards:

1. The PUD site shall be developed in compliance with the plans prepared by Brennan Beer Gorman Monk submitted at the public hearing and marked as Exhibit 51, and as modified by the guidelines, conditions and standards herein, including that condition allowing for minor deviations from the Zoning Regulations with respect to side yards and loading berths.
2. The project shall be a hotel consisting of approximately 472 sleeping rooms and suites. The modified PUD shall have a maximum FAR of 10.5 or 268,800 square feet of gross floor area. The height of the building shall not exceed 130 feet. It shall have a lot occupancy of 81.8 percent. Underground parking for 165 cars shall be provided. Parking for additional cars may be provided if the garage is operated on a valet system.
3. The hotel shall include lighting as provided by the plans submitted with the applicant’s submission of September 28 1999, marked at Exhibit 51, provided that only the central lantern and all of the wall sconces will be illuminated.
4. The hotel roof shall correspond with the plans provided by the applicant in the submission of September 28, 1999, marked as Exhibit 51.

5. Landscaping shall be in compliance with District Streetscape Regulations and the applicant's supplemental submission to the Zoning Commission of September 28, 1999, marked as Exhibit 51.
6. Signage shall correspond with the materials provided by the applicant in the submission of September 28, 1999, marked as Exhibit 51.
7. The applicant shall have the necessary flexibility to make adjustments to the project with respect to the location and design of all interior components, including partitions, slab configurations, doors, hallway columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change materially the exterior configuration of the building.
8. The applicant shall arrange for the development of 25 market-rate housing units at 1223 and 1229 12<sup>th</sup> Street, N.W. in general compliance with the plans prepared by Eric Colbert and Associates and submitted by the applicant with its submission of June 17, 1999, marked as Exhibit 23. The housing shall comply with the R-5-D zoning regulations applicable to that site.
9. The applicant shall enter into a Memorandum of Understanding with the D.C. Department of Human Rights and Local Business Development in order to achieve, at a minimum, the goal of 35 percent participation by small, local and disadvantaged businesses in connection with the construction and operation of the project to be created as a result of the PUD project.
10. The applicant shall abide by the terms of the First Source Employment Agreement with the Department of Employment Services (DOES) in order to achieve the goal of utilizing District of Columbia residents for at least 51 percent of the jobs created by the PUD project.
11. Pursuant to the intent of 11 DCMR 2407.3, no building permit shall be issued for this PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 556 in the Land Records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order Nos. 556, 556-A, 556-B, 556-C, 556-D and 556-E and this Order that the Director of the Office of Zoning has so certified. The recordation of the Notice of Modification shall bind the applicant, and the successors in title to the property, to construct on and use this site in accordance with this order and any amendments thereof.
12. After recordation of the Notice of Modification, the applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Zoning Commission.

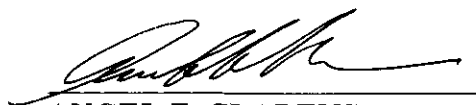
13. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
14. This PUD modification approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR 2409.1. Construction shall begin within three years of the effective date of this order.
15. Pursuant to D.C. Code Section 1-2531 (1991), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified at D.C. Code, Title 1, Chapter 25 (1991), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at its public meeting on July 12, 1999:

4-0 (Angel F. Clarens, John G. Parsons, Herbert M. Franklin, and Anthony J. Hood, to approve.)

The order was adopted by the Zoning Commission at its public meeting on September 13, 1999, by a vote of 4-0: (John G. Parsons, Angel F. Clarens, Anthony J. Hood and Herbert M. Franklin, to adopt with revisions).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register; that is, on OCT 8 1999.

  
**ANGEL F. CLARENS**  
Chairman  
Zoning Commission

  
**JERRILY R. KRESS, FAIA**  
Director  
Office of Zoning